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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,847

03/04/2004

Alexander Kanaris

41066-201700

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VENABLE LLP

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,847	<b>Applicant(s)</b> KANARIS, ALEXANDER	
	<b>Examiner</b> LESLIE A. NICHOLSON III	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 10/30/2006 have been fully considered but are moot in view of the new ground(s) of rejection.

Due to Applicant's arguments and/or amendments, all previous claim objections and 35 USC 112 rejections are hereby withdrawn.

### ***Claim Objections***

3. Claims 3-12 are objected to because each of the claims is dependent upon cancelled claim 2. The claims will be examined as though claim 3 is dependent upon claim 1, however, appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Kruse DE 3215921 A.

Kruse discloses a motorized conveyor roller having a rotatable roller (5) with a diameter and a hollow tube (7) having a diameter substantially the same as said rotatable roller, and co-axially disposable at one end of said roller (fig.1-3).

6. Claims 1,3-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaefer PGPub 2006/0151299.

Schaefer discloses a motorized conveyor roller and method comprising:

- A roller comprising a rotatable portion (42) intermediate a first and second cylindrical non-rotatable surface (22,44) each comprising a hollow tube extending axially outward from said rotational roller and wherein said hollow tubes have a diameter substantially the same as a diameter of said rotatable portion (fig.3)
- Said hollow tubes having a radial end surface (see figures)

- Said roller tube includes a motor (abstract)
- A central shaft comprising a rotatable shaft portion (51)
- First and second stationary shafts (46,39)
- One end of said rotatable shaft portion presents a pinion (54)

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,3-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christian USP 3,056,054.

Christian discloses a motorized conveyor roller comprising:

- A cylindrical rotatable roller (10,11,12) having at least one non-rotatable surface (31,32) spaced axially and exteriorly from said rotational roller
- Wherein said roller comprises a rotatable portion intermediate a first and second cylindrical end non-rotatable surface, each said non-rotatable surfaces extending axially outwardly from said rotational roller and radially spaced from said conveyor (fig.1)
- Wherein said rotatable portion comprises a rotatable roller tube, and said cylindrical surfaces are stationary (C1/L57-61) (fig.1)
- Wherein said roller tube includes a motor (25)

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- Wherein said first and second cylindrical ends are axially disposed about a central shaft (52); and said first cylindrical surface has a first diameter and said second cylindrical surface has a second diameter (fig.1)
- Wherein said central shaft comprises a rotatable shaft portion (52) disposed between said first and second cylindrical surfaces, and wherein said roller tube has a diameter larger than said first and second diameter of said cylindrical surfaces so that said roller tube contacts and moves said conveyor and said first and second cylindrical surfaces are spaced from said conveyor (fig.1) (C3/L30-32)
- Including first and second shafts axially disposed relative said rotational shaft portions, wherein said first and second stationary shafts are fixedly secured to said first and second cylindrical surfaces respectively (fig.1)
- Wherein said rotatable shaft portion is carried by said motor (fig.1)
- Wherein one end of said rotatable shaft portion presents a pinion (54) (C2/L42)
- Wherein each of said cylindrical ends cover the ends of said rotatable portion (fig.1)
- Wherein said hollow drums presents a first end flange and a second end flange; and roller bearing means (at least 44) disposed between said first and second end flanges and said first and second generally cylindrical non-rotating surfaces respectively (fig.1)
- Wherein said first and second non-rotating surfaces are axially spaced from said first and second flanges (fig.1)

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Christian does not expressly disclose each non-rotatable surface comprising a hollow tube, however, it would have been obvious to modify each non-rotatable surface to be a hollow tube for the purpose of providing lighter-weight mounting plates.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE A. NICHOLSON III whose telephone number is (571)272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie A Nicholson III/  
Examiner, Art Unit 3651  
2/11/2008

/Gene Crawford/  
Supervisory Patent Examiner, Art  
Unit 3651